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2 UNITED STATES DISTRICT COURT
3 WESTERN DISTRICT OF WASHINGTON
4 AT TACOMA

5 HARRY K. WAYMOTH III,

6 Petitioner,

7 v.

8 JEFFREY A. UTTECHT,

9 Respondent.

CASE NO. C19-5418 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

10 This matter comes before the Court on the Report and Recommendation ("R&R")
11 of the Honorable J. Richard Creatura, United States Magistrate Judge. Dkt. 13. The Court
12 having considered the R&R and the remaining record, and no objections having been
13 filed, does hereby find and order as follows:

14 (1) The R&R is **ADOPTED**;

15 (2) Petitioner's petition for habeas corpus, Dkt. 6, is **DISMISSED without**
16 **prejudice** for failure to exhaust;

17 (3) A certificate of appealability is **DENIED**; and

18 (4) The Clerk shall enter **JUDGMENT** and close this case.

19 Dated this 26th day of September, 2019.

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22 BENJAMIN H. SETTLE
United States District Judge